

REMARKS

Claims 1-31 were pending in the above-referenced application. In this amendment Applicants withdrawn claims 20-30. Claims 1-31 remain pending in the subject application.

The Examiner has required Applicants to elect one of groups I or II under 35 U.S.C. §121. The Examiner's groupings are as follows:

- (1) Group I: Claims 1-19 and 31, drawn to products classified in various subclasses 514, 544, 546 or 548; and
- (2) Group II: Claims 20-30 drawn to a process using products of Group I classified in various subclasses 514, 544, 546 or 548.

Applicants hereby elect without traverse, Group I, encompassing claims 1-19 and 31, drawn to products.

In the March 24 Office Action, the Examiner asserted that the present invention "contains a multitude of patentably distinct species that results from substitution of the variables into the core Markush formula." The Examiner also asserts that "[t]he species are independent or distinct." The Examiner states "Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed." The Examiner also states that the reply must include "a listing of all claims readable thereon."

Although we disagree with the Examiner's assertion, Applicants hereby elect the compound 1-(3,4-dimethoxy-5-trifluoromethylthiobenzoyl)-azetidine-2R-carboxylic acid hydroxyamide in order to expedite the prosecution of the subject application. The elected compound is recited in claim 13, page 166, 5th compound from the top of the page of the subject application. The elected compound is also exemplified Example 58, pages 108-110 of the subject application.

Applicants note that the claims 1, 2, 5, 9-11, 13-19 and 31 are readable upon the elected compound.

The Examiner states "[u]pon the allowance of a Markush claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable Markush claim as provided by 37 C.F.R. 1.141."

Applicants also understand that where "the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claims will be considered for rejoinder."

CONCLUSION

Applicants believe that no fees are due in connection with this response. However, if any fees are due, please charge Applicants' Deposit Account Number 16-1445.

Respectfully submitted,

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